

REMARKS

The Office Action mailed 3 October 2008 has been received and considered. Responsive to the remarks of the Examiner, applicant has reviewed and amended the application in an effort to place the application in condition for allowance.

SPECIFICATION:

Responsive to the objections of the Examiner, applicant has amended the application and addressed each of the objections by adopting the suggestions of the Examiner. In view of these amendments, applicant respectfully requests a withdrawal of the Examiner's objections.

REJECTION UNDER 35 USC § 112:

Claim 11 stands rejected as being indefinite. Applicant has amended Claim 11 to remove any ambiguity regarding the relationship between the pump in the invention and the valves which are associated with the circuit which includes the pump. In view of this amendment, the basis of the rejection of Claim 11 under 35 USC § 112 should now be obviated. Applicant respectfully requests the withdrawal of the rejection.

REJECTION UNDER 35 USC § 102:

Claims 13 and 14 stand rejected under 35 USC § 102 over Lamar. Applicant has cancelled claims 13 and 14, without prejudice thereby rendering this rejection moot.

REJECTION UNDER 35 USC § 103:

Claims 1, 2, 4-6, 8-10, and 12 stand rejected under 35 USC §103(a) over Yeung in view of Rogers. Applicant respectfully traverses the rejection.

The instant application contains a priority claim to Brazilian application PI 0300856-8, filed 3 April 2003. The Yeung reference was filed on 24 July 2003. It follows that the instant application contains a priority claim which predates the filing date of the Yeung reference. In view of these facts, applicant respectfully submits that the Yeung reference does not constitute

prior art to the instant application and therefore any reliance on Yeung for purposes of rejecting the instant application under 35 USC § 103 (a) is inappropriate.

The Yeung reference was relied upon for purposes of its alleged teachings of a range hood cleaner comprising a first cleaning element spraying assembly, at least one surface inclined to the horizon so that sprayed elements can flow into a drain opening connected to a refeeding circuit, a cleaning element delivering valve connecting an external source to the circuit and a cleaning element drain valve connecting the circuit to an external drain means and control means to open and close the valves. Yeung was further relied upon for its alleged teaching of a conduit for connecting the drain opening to propelling means and a second conduit for connecting the propelling means to the spraying assembly. Furthermore, Yeung was relied upon for its alleged teaching of a reservoir and a spraying means consisting of a spraying arm and a sprayer. These particular elements do not appear to be taught by the Rogers or Clark references.

It follows that since the Yeung reference cannot be relied upon due to its late filing date, it is impermissible to use the structural elements allegedly taught by Yeung for purposes of constructing a rejection of applicant's claims. Since the Clark and Rogers references do not appear to contain disclosures of the elements which the Examiner had previously identified and relied upon in the Yeung reference, applicant submits that the rejection under 35 USC §103(a) does not presently have a sufficient basis to stand. Stated otherwise, with the Yueng reference being withdrawn from consideration, the Rogers and Clark references, either individually or in combination, fail to disclose all of the claimed elements of the referenced claims. In view of this consideration, the rejection must be withdrawn. Applicant respectfully requests a withdrawal of the rejection under 35 USC § 103(a).

Claims 3 and 7 stand rejected under 35 USC § 103(a) over Yeung in view of Rogers and Clark and further in view of Lamar. As noted above, the Yeung reference was filed later than applicant's priority application and therefore the Yeung reference is not usable as a reference under 35 USC § 103(a) for purposes of rejecting the instant application. As further noted above, the Clark and Rogers references do not appear to disclose the elements of applicant's claim 1. Lamar likewise does not appear to contain sufficient disclosure to rectify the lack of sufficient

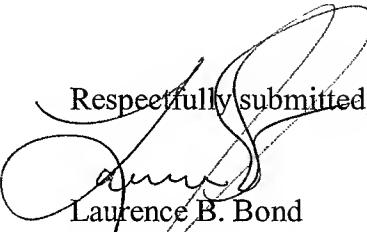
disclosure in Clark and Rogers. In view of these considerations, applicant respectfully submits that Clark, Rogers and Lamar, either individually or in combination, fail to disclose the claimed subject matter of Claims 3 and 7 and therefore withdrawal of the rejection of these claims is respectfully requested.

REJECTION UNDER DOUBLE PATENTING:

Claim 13 is provisionally rejected under the doctrine of obviousness type double patenting in view of co-pending application No. 11/450,253. Applicant advises the Examiner that application No. 11/450,253 has recently been allowed. Claims 1, 2, 4-10 are also provisionally rejected on the ground of obviousness type double patenting over US Application no. 11/450,253 in view of Rogers. Applicant notes that both rejections are provisional. Applicant elects to defer responding to this rejection, e.g. by submitting a terminal disclaimer, pending the issuance of a patent from application no. 11/450,253.

CONCLUSION:

In view of the above considerations, applicant respectfully requests reconsideration of the claims of its application.


Respectfully submitted,
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